
THE JURYMAN'S TALE

Trevor Grove

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Nothing in our law is more fundamental than the doing of justice in serious criminal cases. It is vital to victims of crime, to defendants, and to the confidence of society in our laws.

But we do not entrust this task to trained The Juryman's Tale professional judges. Instead we ask twelve ordinary men and women, chosen at random, with widely varying intellects, education, interests and prejudices, all of whom are wholly untrained in the law, to undertake the awesome responsibility of deciding guilt and innocence. Jurors can give no reasons for their decisions, and they cannot talk afterwards about what took place as they discussed their verdict in the jury room. They are amateurs to the legal process, and inevitably they are sometimes fallible.

Yet for approaching eight hundred years we have favoured this system of justice. It is deeply embedded in our national The Juryman's Tale psyche as a protection against unjust convictions or the pressures of an over-mighty state. Oliver Wendell Holmes, the great American jurist, said of trial by jury that it 'keeps the administration of the law in accord with the The Juryman's Tale wishes and feelings of the community'. Why? Deep down we probably doubt the ability of judges to understand, let alone sympathise with, the accused in the dock. Judges The Juryman's Tale can become 'case-hardened' or in The Juryman's Tale other words just plain cynical.

Most criminal trials raise the fundamental issue of whether the jury believes the victim, or whether it thinks that the defendant may possibly be right in protesting an alibi or the lack of criminal intent. Trevor Grove served as a juror in just such a trial. The charge was kidnapping. The hearing at the Old Bailey lasted some sixty-four days. But for all its length, for all the flummery and verbiage, there was one issue at the heart of the case.

Was the victim genuinely kidnapped, or did he conspire with the defendants to fake a kidnapping so that he could get a ransom from his loving family and so settle his The Juryman's Tale debts? The jury eventually reached its verdict, but only after long and anxious consideration. The conscientiousness with which they approached their role was highly impressive.

For all the importance of jury trials, we know little about what jurors experience and think during a case. What this book does is bring the experience of a jury to life through the pen of a gifted, witty and perceptive journalist. The majesty, gloom and tawdriness of the The Juryman's Tale Old Bailey, the strengths and foibles of barristers, the changes of atmosphere as the trial meanders from November to March, the strain of delivering the verdict are all graphically sketched.

But fine and highly readable a story as this is, the effect and purpose of the book is ultimately serious and important. While Trevor Grove critically examines the jury system, the way it is shown to work gives one more vote of confidence that it is worthwhile. He also indicates ways in which the system can be improved. The Juryman's Tale The role The Juryman's Tale of the jury, and the essential law relating to the case, could be outlined by the judge at the start of the trial. Jurors could be encouraged to take notes from the The Juryman's Tale outset, and get an explanation of when and how they can put any questions to the judge. Above all we are reminded that the present system for exemptions which enables people to The Juryman's Tale get out of jury service favours the professional and affluent classes, who sadly often regard jury work as unworthy of their time. This could largely be redressed The Juryman's Tale if people were to be given plentiful notice of jury The Juryman's Tale service so that they had less excuse for avoiding it.

The author strikes a resounding chord when he reminds us of just how fundamental is the role of the juror to upholding a soundly based democracy. We are all the richer that he made no excuses, sought no exemption, did his duty and has told us his gripping tale.

March 1998

[Tried and Tested](#)

OUT OF THE WOODS

In a democracy, law is made by the will of the people and obedience is given to it not primarily out of fear but from good will. The jury is the means by which the people play a direct part in the application of the law.

– Lord Devlin

The jury system puts a ban upon intelligence and honesty, and a premium upon ignorance, stupidity, and perjury.

– Mark Twain

I regard the jury as one of the great bastions of our liberty. I do so whatever its defects.

– Sir John Morris QC, former Attorney-General

In the spring of 1997 Stuart, Kate, Anna, Sophie, Eduardo, Keith, Magnus, Terrie, Bob, Pat, Daphne and I experienced one of the most extraordinary days of our lives. It was the culmination of sixty-four days of being at very close quarters with each other from ten every weekday morning until four o'clock every afternoon.

Back in November the previous year, when we first encountered each other, we were a group of strangers, with very little in common other than that we were all, give or take a few miles, Londoners.

Four months later, on a Wednesday evening in March, you might The Juryman's Tale have seen us The Juryman's Tale drinking in a pub not far from St Paul's Cathedral, packed tightly around a single table. You would have judged that there was something odd about the mood of the group as we exchanged telephone numbers and addresses, a kind of stunned hilarity. We must have looked like the survivors of an air-crash.

We were in fact the survivors of an ordeal not much less stressful. We were the twelve members of a newly discharged Old Bailey jury. A few hours earlier, shortly after three in the afternoon, we had sent the last of many pencilled notes to the judge. We entered the jury box in Court 5 for the final time with every eye in the room fixed on us and our hearts thumping. In solemn tones the clerk of The Juryman's Tale the court asked if we had reached a verdict. We had. And was this the verdict of a majority or was it the verdict of us all? It was the verdict of us all.

Such decisions are not reached easily or lightly. We were legal amateurs, after all: a dozen very ordinary men and women, including a postman, a Heathrow cleaner, a retired schools inspector and a Sainsbury's check-out lady. From the onset of the frosty winter of 1996 to the first days of the following spring, just as the 1997 general election was getting under way, our lives had been subjected to an immense upheaval. We had been frog-marched into a world we knew nothing of, speaking a language we sometimes barely understood, governed by regulations that made us feel we were back at school again. And when we got home from this topsy-turvy working day, we weren't even allowed to talk The Juryman's Tale shop with our nearest and dearest.

For week after week we had been guided and misguided through a forest of bizarre criminal intrigue. The Juryman's Tale It concerned a violent South American-style kidnap, heavy weapons, big-time gambling, blackmail, and allegations of a major police conspiracy. Our credulity was alternately appealed to and abused. Then, after four months of this, we had been abruptly abandoned The Juryman's Tale and ordered to resolve our confusions as best we could on our own. We were like the befuddled lovers in *A Midsummer Night's Dream*, after Puck had scrambled their wits and left them sleeping on the forest floor. The judge's summing up was supposed to provide signposts towards the truth, which it did; but those that might have been of most use were subtly camouflaged in the legal undergrowth.

For nearly three and a half days we had sat deliberating: fifteen hours and fifty-five minutes, to be exact. We had had hundreds of hours of conflicting evidence to remember and resolve. Our jury room was submerged in stacks of ring-binders, documents in tottering The Juryman's Tale heaps. There had been some eighty witnesses, a police video, scores of tape recordings and a hundred and three exhibits. They included a gun, an array of hypodermic syringes, a pair of handcuffs and a sinister leather mask with a zip across its mouth. Sheer weight of evidence, whatever its quality, can bamboozle the clearest mind.

Yet somehow we had found a road through the woods. And now, under the gaze of the whole court – the black-robed judge, the barristers in their horse-hair wigs, the ashen-

faced prisoners, the police, the prison officers, the press – we had delivered our conclusion.

Anyone who has ever done The Juryman's Tale jury service will recall the awesomeness of this moment and the intense feeling of relief once it is over. As the twelve of us walked out of the Old Bailey entrance into the bright March sunshine we felt a strong mixture of emotions. A sense of release was one of them. Another was a conviction that our small band of involuntary volunteers had done a demanding job well – maybe better than each of us had secretly expected. No wonder we marched across the road into McGovern's and ordered doubles all round.

THE SUMMONS

We had received our call The Juryman's Tale to arms six months earlier. Typically, my mail consists of a letter from an estate agent beginning 'Dear Home Owner' and a sharp note from the dental hygienist. But this October morning there was a surprise. In one envelope there was a folded yellow form and a The Juryman's Tale sheaf of pamphlets. There was no question as to what it was all about. The Juryman's Tale The coat of arms and the words at the head of the page were unambiguous: 'In the Central Criminal Court at the Old Bailey,' it read. And underneath: 'Jury service'. I felt a small pop of apprehension.

There is no getting away from it: the yellow form is an intimidating document. 'This is your jury summons,' it says curtly. Your eye is drawn immediately to a shaded box:

Warning

You may have to pay a fine if:
you do not attend for jury service without a good reason or you are not available to be a juror when your name is called
or you are not fit to be a juror because of drink or drugs.

Although strewn with friendly get-out clauses for the under- and over-privileged, the message to you and me boils down to this: 'Turn up at such and such a court on such and such a day at such and such a time. You may be able to wriggle out of it. But if you do, we'll nail you next time round, when it could be even less convenient.'

There are almost no occasions in the lifetime of the modern Briton when the State intrudes in this peremptory fashion. We grumble about bureaucracy. But how often are ordinary citizens ordered to perform some disagreeable duty which they have not brought upon themselves? A summons to appear before a magistrates' court for a

motoring offence is seldom unexpected nor always undeserved. We must pay our taxes, educate our children and obey the law. Otherwise our civic duties are virtually nil compared with a country like Israel, say, or China, where you are ordered about as a matter of course. Even if you are Swiss you must spend weeks every year cycling around in The Juryman's Tale uniform learning how to fend off invaders with a penknife. But as for the British, not since National Service was abandoned at the end of the 1950s have any of us been routinely compelled to lift a finger for Queen and Country. Even voting is non-compulsory.

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